

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

<b>ROBERT BOSTIC,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>Case No. 15-CV-1054-SMY-PMF</b>
	)	
<b>VIPEN SHAH, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**MEMORANDUM AND ORDER**

**YANDLE, District Judge:**

Plaintiff Robert Bostic is an inmate currently housed at Pinckneyville Correctional Center. Pursuant to 42 U.S.C. § 1983, Plaintiff brings this action alleging deprivations of his constitutional rights. Specifically, Plaintiff alleges the Defendants violated his Eighth Amendment rights with respect to their treatment of his diabetes and their failure to provide him a soy-based diet. Now pending before the Court is Plaintiff's Motion to Strike and to Administratively Close the Case (Doc. 17). For the following reasons, Plaintiff's motion is **GRANTED**.

In the Motion, Plaintiff asserts that he requested the assistance of a jailhouse lawyer in preparing and filing an inmate grievance related to the treatment of his diabetes. Instead, the jailhouse lawyer filed the instant lawsuit unbeknownst to and without Plaintiff's consent. Plaintiff asserts that he only learned of this action after receiving notice that payments toward the filing fee were being deducted from his prison trust account. Plaintiff requests the Court close this lawsuit and refund the filing fee. Attached to the Motion is Plaintiff's sworn affidavit

attesting that this case was fraudulently filed.

The Court is satisfied that Plaintiff did not intend to open this lawsuit. Accordingly, Plaintiff's motion is **GRANTED**. The Complaint (Doc. 1) is hereby **WITHDRAWN** at Plaintiff's request and the Order assessing a filing fee (Doc. 9) is **VACATED**. The Clerk of Court is **DIRECTED** to refund Plaintiff all payments made towards the filing fee and close this case on the Court's docket.

**IT IS SO ORDERED.**

**DATED: January 21, 2016**

s/ Staci M. Yandle  
**STACI M. YANDLE**  
**United States District Judge**